

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
SSO-00 SS-15 NSCE-00 SCS-06 CA-01 H-01 PA-01
ICAE-00 ITC-01 PPT-01 /062 W
-----102220 271736Z /14
O 271654Z JUL 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 8587

LIMITED OFFICIAL USE SECTION 01 OF 02 LONDON 11956

E. O. 11652: N/A
TAGS: EAIR, CASC, US, UK
SUBJECT: CIVAIR: CAA REFUSES RELAX CAPACITY RESTRICTIONS
ON BUDGET AND STANDBY SEATS

REF: LONDON 11918

1. SUMMARY. EMBASSY HAS LEARNED THAT BRITISH AIRWAYS HAS A SIGNIFICANT NUMBER OF EMPTY SEATS IT WOULD LIKE TO MAKE AVAILABLE FOR STANDBY USE. UK CAA HAS REFUSED PERMISSION. EMBASSY RECOMMENDS THAT USG TRY TO RELIEVE AT LEAST ONE OF CAA'S CONCERNS. END SUMMARY

2. SINCE REFTEL DRAFTED, EMBASSY HAS LEARNED THAT BRITISH AIRWAYS, WHICH IS FLYING AN EXTRA SECTION TO NEW YORK EVERY MONDAY FROM NOW UNTIL THE END OF AUGUST, APPLIED TO THE UK CIVIL AVIATION AUTHORITY (CAA) FOR RELAXATION OF THE CAPACITY RESTRICTIONS ON BUDGET AND STANDBY FARES BETWEEN THE U.K. AND THE U.S. EXCEPT ON LONDON-MIAMI, WHERE NATIONAL WAS ALREADY FLYING WITHOUT SUCH RESTRICTIONS, CAA REFUSED. BA IS STILL HOPING CHANGE AUTHORITY'S MIND.

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3. WE ARE SEEKING FULL DETAILS ON CAA'S REASONING, BUT WE HAVE ALREADY BEEN INFORMED, BY CAA, THAT PRINCIPAL REASON FOR ITS DECISION WAS DESIRE TO MAINTAIN CONSTANT CONDITIONS OVER THE SUMMER IN ORDER TO SIMPLIFY BILATERAL REVIEW SCHEDULED FOR OCTOBER 30. AUTHORITY DOES NOT APPEAR TO HAVE GIVEN PRESENT SEAT SHORTAGE MUCH WEIGHT. (SEVERAL REPRESENTATIVES OF THE PRESS HAVE DISCUSSED

THE SITUATION WITH THE EMBASSY TODAY, JULY 27, ON
BACKGROUND, AND PRESS PLAY HAS ALREADY BEGUN.)

4. ACCORDING TO BA, CAA TOLD THEM THAT A PRINCIPAL
REASON FOR ITS REFUSAL WAS FEAR THAT U.S. WOULD INSIST
THAT UNDER ATWOOD-SHOVELTON EXCHANGE OF LETTERS, U.K.
COULD NEVER RE-STRENGTHEN OR RESTORE CAPACITY RESTRIC-
TIONS ONCE THEY HAD BEEN REMOVED, EVEN IF NOMINALLY
FOR A TEMPORARY PERIOD. (PASSAGE AT ISSUE IS PRESUMABLY
LAST SENTENCE OF PARA 2 OF MARCH 17, 1978 EXCHANGE.)

5. UNLIKE MOST OTHER AIRLINES (CF. PARA 5 REFTEL),
BA DOES HAVE EMPTY SEATS NOW NOT BEING UTILIZED BECAUSE
OF THE CAPACITY RESTRICTIONS. ACCORDING TO BA GENERAL
MANAGER FOR TARIFFS, BA COULD HAVE CARRIED NEARLY 300
EXTRA PASSENGERS LAST WEEK ON ITS LONDON-WASHINGTON-
DETROIT ROUTE ALONE, AND 143 EXTRA TO CHICAGO ON JUST
ONE DAY. SMALLER NUMBERS OF EMPTY SEATS ARE AVAILABLE
TO BOSTON, PHILADELPHIA, AND SAN FRANCISCO.

6. COMMENT: WHILE, AS NOTED REFTEL, EMBASSY BELIEVES
IT WOULD BE APPROPRIATE TO ENCOURAGE AIRLINES TO DO
WHAT THEY CAN TO RELIEVE THIS SITUATION, WE RECOGNIZE
THAT THEY ARE UNDER NO OBLIGATION TO DO SO. SOME
SOLUTIONS, LIKE EXTRA FLIGHTS, ARE LIKELY TO BE BOTH
EXPENSIVE AND PRACTICALLY DIFFICULT AND AIRLINES
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WOULD ESPECIALLY RESENT PRESSURE TO, AS THEY SEE IT,
HELP PULL FREDDIE LAKER'S CHESTNUTS OUT OF THE FIRE. AT

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SAME TIME, ALL AIRLINES WOULD SUFFER FROM THE BAD PUBLICITY OF A SERIOUS BACKUP OF STANDBY TRAFFIC, AND WE WOULD EXPECT THEM TO BE PREPARED TO TAKE WHAT ACTIONS THEY COULD WITHOUT SERIOUS NET LOSS. BA PROPOSAL, WHILE PERHAPS NOT A COMPLETE SOLUTION, IS IDEAL IN THAT IT WOULD BENEFIT EVERYONE. FOR GOVERNMENTS TO REFUSE IT WOULD INVITE CHARGES OF "BUREAUCRATIC INSENSITIVITY" OR WORSE. END COMMENT.

7. RECOMMENDATION: EMBASSY STRONGLY RECOMMENDS THAT IT BE INSTRUCTED TO INFORM CAA PROMPTLY THAT CAB IS PREPARED ON SHORT NOTICE TO APPROVE TARIFF CHANGES TO REMOVE EXISTING CAPACITY LIMITATIONS ON BUDGET AND STANDBY TRAVEL FOR A TEMPORARY PERIOD TO EXPIRE NOT LATER THAN SEPTEMBER 30, 1978, AND THAT THE U.S. WILL NOT CLAIM THAT THAT TEMPORARY RELAXATION GIVES IT A LEGAL RIGHT TO OBJECT TO THE RE-IMPOSITION OF THOSE RESTRICTIONS AT THE END OF THE PERIOD. (U.S. SHOULD ALSO BE PREPARED TO APPROVE OTHER MEASURES TO RELIEVE THE SITUATION, SUCH AS ADDITIONAL FLIGHTS BY LAKER OR OTHERS, IF SO REQUESTED.) END RECOMMENDATION
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8. CLEARLY, FIRST CONCERN IS TO PREVENT RETURNING PASSENGERS FROM BECOMING "STRANDED", AND BA HAS CONSIDERED RESTRICTING THE USE OF THE ADDITIONAL SPACE TO THOSE PASSENGERS ALONE. EMBASSY FEELS THAT ANY SUCH LIMITATION WOULD BE LIKELY TO TURN INTO A PROCEDURAL AND PUBLIC RELATIONS NIGHTMARE.

BREWSTER

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